

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5820

IN THE MATTER OF:

Served February 29, 2000

P&T TRANSPORTATION CO., INC.,)
Suspension and Investigation of)
Revocation of Certificate No. 47)

Case No. MP-2000-08

This proceeding is instituted pursuant to Title II, Article XI, Section 10, of the Compact for the purpose of determining whether Certificate of Authority No. 47 shall be revoked.

Article XI, Section 7(f), of the Compact directs each person holding a certificate of authority to comply with the Commission's insurance regulations. Commission Regulation No. 58-01 requires each carrier to maintain on file with the Commission an effective WMATC Certificate of Insurance and Policy Endorsement.

A WMATC Certificate of Insurance and Policy Endorsement was filed with the Commission on behalf of P&T Transportation Co., Inc., on October 27, 1999. The WMATC certificate/endorsement stated that a policy had been issued by St. Paul Insurance Co. in respondent's name and that coverage was effective from October 26, 1999, to October 26, 2000. A notice of cancellation was filed with the Commission on January 14, 2000, purporting to cancel respondent's policy, and therefore the WMATC certificate/endorsement on file with the Commission, as of January 11, 2000. Under Commission Regulation No. 58-07, however, cancellation of the WMATC certificate/endorsement did not become effective until thirty days later on February 13, 2000.

In the meantime, another WMATC certificate/endorsement was filed with the Commission on behalf of respondent on January 12, 2000. It stated that a policy had been issued by Allstate Indemnity Company in respondent's name and that coverage was effective from January 7, 2000, to January 7, 2001. It was not acceptable for filing because it substituted the agent's address for the company's and substituted a binder number for a policy number. The Commission will accept a binder number for thirty days only.

The Allstate agent filed a new WMATC certificate/endorsement with the Commission on February 15, 2000, with a corrected company address and a policy number in place of the binder number. The effective period was listed as January 7, 2000, to January 7, 2001, but the policy number matched the number on a notice of cancellation received by the Commission the day before, canceling coverage as of February 20, 2000. Commission staff contacted Allstate to determine the status of respondent's coverage and was informed that the agent did not have authority to sign the Commission's form.

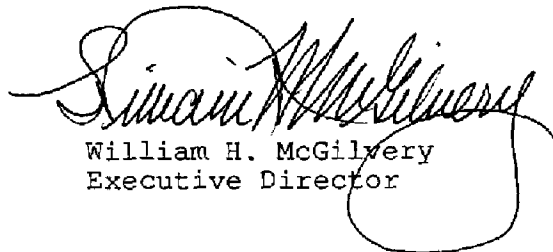
Respondent's only valid WMATC certificate/endorsement having expired February 13, 2000, respondent is in violation of Regulation No. 58-01.

Under Article XI, Section 7(g), of the Compact and Regulation No. 58-02, respondent's certificate of authority is invalid and automatically suspended.

THEREFORE, IT IS ORDERED:

1. That respondent is made a party to this proceeding.
2. That respondent is directed to file within 30 days from the date of this order an appropriate certificate of insurance, or such other evidence, in writing and under oath, as respondent may deem pertinent to show cause why respondent's certificate of authority should not be revoked.
3. That respondent is hereby directed to cease and desist from conducting transportation subject to the Compact, unless and until otherwise ordered by the Commission.
4. That respondent may file within 15 days from the date of this order a request for oral hearing, containing reasonable grounds showing good cause to require such hearing, including the evidence to be adduced at oral hearing and the reason(s) why such evidence could not be adduced without oral hearing.

FOR THE COMMISSION:



William H. McGilvery
Executive Director